

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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NICHOLAS KYLE MARTINO,

1:23-cv-2898 (NLH)

Petitioner,

**MEMORANDUM OPINION & ORDER**

v.

WARDEN, FDC PHILADELPHIA,

Respondent.

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**APPEARANCES:**

Nicholas Kyle Martino  
70570-050  
Philadelphia Federal Detention Center  
P.O. Box 562  
Philadelphia, PA 19106

*Petitioner pro se*

**HILLMAN, District Judge**

WHEREAS, Petitioner Nicholas Kyle Martino is a federal prisoner currently confined in Philadelphia Federal Detention Center, Philadelphia, Pennsylvania, see ECF No. 1; and

WHEREAS, Petitioner filed a petition for writ of habeas corpus under 28 U.S.C. § 2241 alleging the Bureau of Prisons miscalculated his federal sentence, *id.*; and

WHEREAS, petitions under § 2241 need to be filed in the district of confinement naming the inmate's immediate custodian as respondent, Rumsfeld v. Padilla, 542 U.S. 426, 434-35 (2004;

and

WHEREAS, Petitioner is currently confined within the Eastern District of Pennsylvania. The Court concludes the interests of justice would be better served by transferring this action to that court for consideration. See 28 U.S.C. § 1404(a) ("For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought . . . ."),

THEREFORE, IT IS on this 2nd day of June, 2023

ORDERED that the Clerk shall transfer this matter to the United States District Court for the Eastern District of Pennsylvania, 28 U.S.C. §§ 1404(a), 2241; and it is finally

ORDERED that the Clerk shall serve a copy of this Order upon Petitioner by regular mail and CLOSE this matter.

At Camden, New Jersey

s/ Noel L. Hillman  
NOEL L. HILLMAN, U.S.D.J.